

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JAMES C. MOTEN,

Petitioner,

v.

No. CV 19-01185 MV/JHR

WARDEN, NORTHWEST NEW MEXICO
CORRECTIONAL CENTER, and
STATE OF NEW MEXICO ATTORNEY GENERAL,

Respondents.

ORDER TO ANSWER

The Court having entertained this habeas corpus proceeding pursuant to 28 U.S.C. § 2254 and the Court having determined that the petition is not subject to summary dismissal, *see* 28 U.S.C. § 2254 and Rule 4 of the Rules Governing Section 2254 Proceedings.

IT IS ORDERED that the Clerk is directed to forward copies of this Order and the Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus (Doc. 1) to Respondent Warden and the New Mexico Attorney General;

IT IS FURTHER ORDERED that Respondents answer said petition within thirty (30) days from the date of entry of this Order. Respondents' answer shall advise, but is not limited to, whether the Petitioner has exhausted his state court remedies as to the issues raised in the federal petition. Respondents shall attach to its answer copies of any pleading pertinent to the issue of exhaustion which was filed by Petitioner in the sentencing court, the state district court, the state court of appeals, and the state supreme court, together with copies of all memoranda filed by both

parties in support of or in response to those pleadings. Respondents shall also attach to the answer copies of all state court findings and conclusions, docketing statements and opinions issued in Petitioner's state court post-conviction or appellate proceedings. The answer must describe the procedural history of each claim that Respondents contend is unexhausted and identify the State procedures that are currently available to Petitioner.

A handwritten signature in blue ink, appearing to read "J. B. [unclear]", is written over a horizontal line.

UNITED STATES MAGISTRATE JUDGE